

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: SHAHROOZ SAHEB JAMIE, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Shahrooz Saheb Jamie, M.D. ("Dr. Jamie"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-1, *et seq.*:

FINDINGS OF FACT

1. Dr. Jamie currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 10485, issued originally in 1975. Dr. Jamie's address of record is in Clay, West Virginia.

2. At its regularly scheduled meeting in May 2009, the Complaint Committee ("Committee") of the Board reviewed and considered orders from the Circuit Court of Wood County in Civil Action No: 04-C-833, regarding Dr. Jamie, including a January 5, 2009, Judgment Order which directed that Highmark West Virginia, Inc., d/b/a Mountain State Blue Cross Blue Shield is entitled to recover net overpayments that were made to Dr. Jamie of \$182,047.86 in compensatory damages plus \$94,060.07 in prejudgment interest, for a total of \$276,107.93 together with post-judgment interest from December 8, 2008, to the extent provided by applicable law.

3. The allegation against Dr. Jamie stemmed from his participation as a physician in the Mountain State Blue Cross Blue Shield provider network and what the Circuit

Court of Wood County found were wrongful billing practices and unjust enrichment by Dr. Jamie. A copy of the Judgment Order is attached and incorporated herein by reference.

4. On May 11, 2009, the Committee filed an Initiated Complaint against Dr. Jamie.

5. On June 9, 2009, Dr. Jamie timely filed a reply.

6. At the direction of the Committee, an investigation ensued.

7. On November 7, 2010, Dr. Jamie appeared for an informal meeting with the Committee.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Jamie pursuant to: W. Va. Code § 30-3-14 (c)(5) and (9), and 11 CSR 1A 12.1 (p), relating to making or filing reports the licensee knows to be false and which are signed in the capacity as a licensed physician, and, making a deceptive, untrue or fraudulent representation in the practice of medicine; W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(o), relating to failing to perform a legal obligation; and W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), and 12.2(d), relating to dishonorable, unethical or unprofessional conduct, and, conduct which has the effect of bringing the medical profession into disrepute.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Jamie and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Jamie complies with the terms and conditions set forth herein.

CONSENT

Shahrooz Saheb Jamie, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Jamie acknowledges that he is fully aware that, without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Jamie acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, the right to cross-examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Dr. Jamie waives all such rights;

4. Dr. Jamie consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and

5. Dr. Jamie understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Jamie, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Jamie's license to practice medicine in the State of West Virginia is hereby **SUSPENDED** for a period of one (1) year from the date of the entry of this Order, and said suspension is hereby **STAYED**.

2. Dr. Jamie is hereby required within twelve (12) months of the entry of this Order to attend in person a Continuing Medical Education course in the subject of billing and coding, and said course shall be submitted for pre-approval by the Board, and Dr. Jamie shall provide proof of completion of this course to the Board.

3. Dr. Jamie is hereby **FINED** in the amount of ten thousand dollars (\$10,000.00) to be paid to the Board within sixty (60) days of the entry of this Order.

4. Dr. Jamie shall obey all state, federal and local laws, and all the rules governing the practice of medicine in West Virginia, and remain in full compliance with any court ordered probation, payments and/or other order(s).

5. Should Dr. Jamie let his license to practice medicine in West Virginia expire, the term of **SUSPENSION** shall be tolled, to begin running again if and when Dr. Jamie resumes the practice of medicine in West Virginia.

6. Should Dr. Jamie fail to comply with any term or condition of this Order, as determined by the Board in its sole discretion, the Board may lift the **STAY** of Dr. Jamie's **SUSPENSION** without further notice or process.

7. The Board retains jurisdiction and may, in its sole discretion, initiate a new complaint based upon any violation of this Order.

The foregoing Order was entered this 6th day of January, 2011.

WEST VIRGINIA BOARD OF MEDICINE

Rev. O. Richard Bowyer
Reverend O. Richard Bowyer
President

Catherine C. Slem
Catherine Slem, M.D., M.P.H.
Secretary

Shahrooz S. Jamie, M.D.
Shahrooz S. Jamie, M.D.

Date: 12-21-10

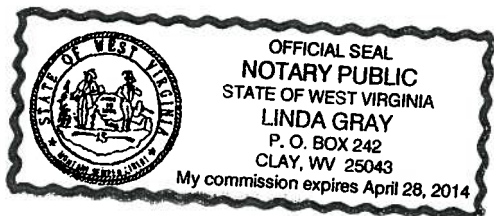
STATE OF W.V.

COUNTY OF clay

I, Linda Gray, a Notary Public in and for said county and state do hereby certify that Shahrooz S. Jamie, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 21 day of December, 2010.

My commission expires April 28, 2014.



Linda Gray
Notary Public

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

HIGHMARK WEST VIRGINIA INC.
d/b/a MOUNTAIN STATE BLUE CROSS
BLUE SHIELD, a West Virginia
Corporation,

Plaintiff,

v.

CIVIL ACTION NO.: 04-C-833
(Judge J. D. Beane)

SHAROOZ S. JAMIE, M.D.,

Defendant.

JUDGMENT ORDER

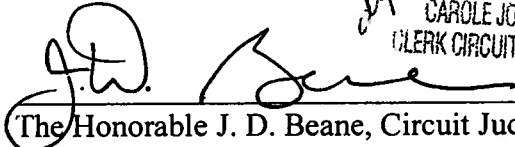
In accordance with the *Order on Motions for Summary Judgment* in this matter, entered on December 8, 2008, Plaintiff's Motion for Summary Judgment on its breach of contract claim, or, alternatively, its unjust enrichment claim, is GRANTED, and it is ORDERED AND ADJUDGED that Plaintiff is entitled to recover net overpayments to Defendant of \$182,047.86. Accordingly, the Clerk is DIRECTED to enter judgment in favor of Plaintiff Highmark West Virginia Inc. d/b/a Mountain State Blue Cross Blue Shield and against Defendant Sharooz S. Jamie, M.D. in the amount of \$182,047.86 in compensatory damages plus \$94,060.07 in prejudgment interest, for a total of \$276,107.93, together with post-judgment interest from December 8, 2008, to the extent provided by applicable law.

DATED: 1-5-09

ENTERED
CIVIL ACTION NO. 04-C-833
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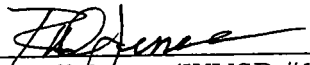
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CAROLE JONES
CLERK CIRCUIT COURT


The Honorable J. D. Beane, Circuit Judge

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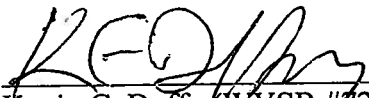
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HIGHMARK WEST VIRGINIA INC. d/b/a
MOUNTAIN STATE BLUE CROSS BLUE SHIELD

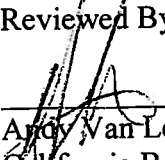
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SHAROOZ S. JAMIE, M.D.

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State of West Virginia *Board of Medicine*

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

February 10, 2011

Shahrooz Saheb Jamie, M.D.
43 Main Street
P. O. Box 10
Clay, West Virginia 25043

RE: *Shahrooz Saheb Jamie, M.D.*

Dear Dr. Jamie:

On February 9, 2011, we received your check in payment of the \$10,000 fine specified in the January 2011 Consent Order you entered into with this Board. You are now in compliance with term No. 3 of this Consent Order.

A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation in this matter.

Sincerely,

Robert C. Knittle

RCK/meb

pc: Kevin Duffy, Esq.